REMARKS

Claims 12-16, 18, 23, 25-30, 31, 37, and 39-44 remain pending in the present application. Reconsideration of the application is respectfully requested in view of the following responsive remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

In the final office action of April 17, 2008, the following actions were taken:

(1) Claims 12-17, 23, 25-31, 37, and 39-44 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2004/0063807 to Wang et al. (hereinafter "Wang") in view of evidence given in *Hawley's Condensed Chemical Dictionary*;

(2) Claims 12-17, 23, 25-31, 37, and 39-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of evidence given in *Hawley's Condensed Chemical Dictionary*;

(3) Claims 12-16, 18, 23, 25-30, 32, 37, and 39-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of U.S. Publication No. 2004/0229974 to Miyabayashi (hereinafter "Miyabayashi");

(4) Claims 12-15, 17-18, 23, 25-29, 31-32, 37, and 39-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003/0069329 of Kubota et al. (hereinafter "Kubota") in view of *Hawley's Condensed Chemical Dictionary* and either U.S. Patent No. 6,536,890 to Kato et al. (hereinafter "Kato") or U.S. Patent No. 5,207,824 to Moffatt et al. (hereinafter "Moffatt"); and

(5) Claims 12-16, 18, 23, 25-30, 32, 37, and 39-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kubota in view of *Hawley's Condensed Chemical Dictionary* and either Kato and Moffatt and further in view of U.S. Patent Publication No. 2004/0055508 of Miyamoto et al. (hereinafter "Miyamoto") or Wang.

It is respectfully submitted that the presently pending claims be examined and allowed. Applicants submit that each and every amendment herein, and throughout the prosecution of the present application is fully supported by the specification as originally filed, and that no new matter has been added.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 12-17, 23, 25-31, 37, and 39-44 under 35 U.S.C. 102 over Wang. Before discussing the rejection, it is thought proper to briefly state what is required to sustain such a rejection. It is well settled that "[a] claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987). In order to establish anticipation under 35 U.S.C. 102, all elements of the claim must be found in a single reference. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986), *cert. denied* 107 S.Ct. 1606 (1987). In particular, as pointed out by the court in *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1981), *cert denied*, 469 U.S. 851 (1984), "anticipation requires that each and every element of the claimed invention be disclosed in a prior art reference." "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.* 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989). As the Examiner has rejected the aforementioned claims over Wang, a brief discussion of this reference is provided.

Wang

Wang discloses an aqueous ink-jet ink including a pigment, a polymer latex having at least one halogenated vinyl monomer, a surfactant and a humectant. An ink and receiver combination for a non-absorbing substrate is also provided. See Abstract. Although Wang states that the pigment can be self-dispersible, encapsulated, or stabilized by a dispersant, only pigments stabilized by a separate dispersant are exemplified. See [0023] and Examples [0056-0085]. Additionally, of the 27 types of pigments listed in paragraph [0029], no encapsulated pigments are listed, and of the 287 explicitly identified individual pigments, it does not appear that encapsulated pigments are listed. See [0029]. It is also worthy to note that not a single acid monomer containing latex appears to be exemplified. See Examples [0056-0085]. Thus, the specific combination of a polymer-encapsulated pigment with an acid monomer-containing latex appears nowhere in Wang.

Claims 12-17, 23, 25-31, 37, and 39-40

Independent claims 1 and 26 were previously amended to recite that the latex includes surface acid groups provided by acid monomers being present from 1 wt% to 15 wt% of the latex. The Examiner has alleged that this limitation is taught since Wang discloses that the polymer latex contain less than 50 mol % of a hydrophilic monomer such as methacrylic acid. See Office Action, page 2. However, Wang teaches a certain mol % of hydrophilic monomers, as opposed to the present invention which recites 1 wt% to 15 wt% of an acidic monomer containing latex. Specifically, Wang explicitly lists 26 hydrophilic monomers, of which only 4 are acidic monomers. See [0043]. Thus, there appears to be no teaching in Wang that recognizes the difference between acidic monomers and merely hydrophilic monomers, nor is there any teaching in Wang that would lead one skilled in the art to select a specific weight percentage of acidic monomers, and then use the latex formed therefrom in combination with polymer-encapsulated pigments.

As the Examiner is relying on inherency rather than a direct teaching for the claimed combination, it is notable that in order to establish inherency, extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Even if a prior art reference is capable of being modified and the modification would anticipate the invention, this is not sufficient to support an anticipation rejection based on inherency.

As the Examiner is particularly relying on this doctrine, the Applicant wishes to provide the applicable case law for the Examiner's convenience. Specifically, the Federal Circuit Court of Appeals stated "[u]nder the doctrine of inherency, if an element is not expressly disclosed in a prior art reference, the reference will still be deemed to anticipate a subsequent claim if the missing element 'is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill' (citations omitted). Rosco, Inc. v. Mirror Lite Co., 304 F.3d 1373, 1380 (Fed. Cir. 2002). The Court further states that "'[i]nherent anticipation requires that the missing descriptive material is "necessarily present," not merely probably or possibly present, in the prior art'" (citations omitted). Id. As such, Appellants submit that the appropriate standard in establishing an anticipatory rejection through

inherency has been well defined by the courts, and has not been met in the present case.

The fact that Wang explicitly teaches hydrophilic monomers would not necessarily require them to be acidic, nor would one skilled in the art recognize such a limitation. Also, the Applicant contends that to combine the elements as the Examiner has proposed would be a modification of the teachings of Wang as Wang does not explicitly teach the use of acidic monomers or provide an example of such, particularly in combination with the other elements described above. Furthermore, the Applicant submits that, until the Examiner establishes each and every element, the burden does not shift to the Applicant as a *prima facie* case has not been made.

Specifically, the Examiner has not provided the present combination of elements. For example, even though Wang generally discloses different types of pigments, including self-dispersed, encapsulated, and dispersed, can be used in its invention, Wang explicitly lists types of pigments and specific individual pigments in paragraph [0029] of the specification. Notably missing from paragraph [0029] is any reference to an encapsulated pigment. Additionally, Wang provides no examples of inks containing encapsulated pigments. As such, the Examiner is picking and choosing discrete elements and combining them in a manner not taught by Wang. The Applicant would like to remind the Examiner that providing the elements is not enough but the Examiner must show the identical invention in as complete detail (per *Richardson v. Suzuki Motor Co.*) as is contained in the claim. The Applicant submits that the Examiner has not met this standard.

Furthermore, the Applicant wishes to address the Examiner's cursory review of claims 41-44, which address density and surface dielectric properties of the acid-functionalized polymer colloid particulates. The Examiner has dismissed the claim elements alleging that they appear typical or would be necessary and inherent. See Office Action, page 3-4. However, such unsubstantiated allegations are not a substitute for prior art or other evidence necessary to establish anticipation. To clarify, the Applicant submits that these claim elements necessarily limit the scope of the independent claims from which they depend. In other words, the Applicant contends that the claim elements are not inherent but further limit the types of particulates covered by the claim and would necessarily exclude any particulate that does not contain the recited density or surface dielectric constant. Given the relatively

large number of potential particles covered by the independent claims, such a restriction is meaningful and limiting, and would necessarily disclaim those particles not meeting the recited limitations.

The Examiner has responded to the above arguments arguing that the Examiner has not relied upon inherency; rather the Examiner argues that Wang teaches the elements in enough specificity to anticipate the present invention. See Office Action, page 4. However, such an argument would then necessarily equate the hydrophilic monomers disclosed in Wang as acidic monomers. The Applicant reiterates that such a reading is inconsistent with the disclosure in Wang, as discussed above. There is absolutely no teaching or disclosure in Wang that provides the present combination of elements in as complete detail as contained in the present claims. In other words, the Applicant submits that it is not enough for the Examiner to find elements in a single reference where such elements are merely found in laundry list of components, rather the Examiner must show the invention in as complete detail as found in the claims. The Examiner has also stated that the reference need not exemplify the invention to be anticipatory. To be clear, the Applicant does not argue for such a standard; rather the Applicant has pointed out to the Examiner that Wang does not contain an example using the present combination of elements, and furthermore, Wang does not teach or disclose in any other form; i.e., text, table, figure, etc., the present invention in as complete detail as presently claimed.

Furthermore, the Applicant wishes to address currently amended claims 13-14 and 27-28. These dependent claims relate to the amount of non-volatile co-solvents present in the aqueous vehicle. As the Examiner has rejected these claims by simply stating that "[t]here is no requirement that the ink comprise non-volatile solvent," the Applicant assumes that the Examiner is reading these claims as being able to have 0 wt% and that Wang thus meets the claims. However, the Applicant has previously amended the claims to clarify any ambiguity concerning this point; i.e., claims 13-14 and 27-28 require the presence of a non-volatile co-solvent. As such, the Applicant submits that Wang fails to teach these additional elements.

The Examiner has responded to the Applicant's amendments that the claim language of "no more than" still encompasses 0wt%. See Office Action, page 4. However, the Applicant respectfully disagrees. The claim language states "wherein

the liquid vehicle further comprises a non-volatile co-solvent in an amount of no more than" a certain percentage (10 or 2). As such, the claim explicitly requires a non-volatile co-solvent, and further requires an amount. Under the Examiner's claim construction, the amount can be 0 wt%. However, such an interpretation would provide no additional limitation to the independent claim. As a matter of claim differentiation, the dependent claims of 13-14 and 27-28 further comprise an additional element, and therefore, require that element to be present. As such, the Applicant maintains the position that these dependent claims provide an additional element that is not taught be the present reference.

Therefore, the Applicant submits that the present independent claims, and subsequent dependent claims, contain elements not taught in Wang, that the specific claimed combination is not taught by Wang, that the present elements cannot be established through inherency, and that Wang does not teach the additional elements found in the dependent claims. As such, the Applicant respectfully requests that the Examiner withdraw the present rejection.

Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 12-18, 23, 25-32, 37, and 39-40 as being obvious in view of several references. Before discussing the obviousness rejections herein, it is thought proper to briefly state what is required to sustain such a rejection. The issue under § 103 is whether the PTO has stated a case of *prima facie* obviousness. The Applicant does not deem it necessary to recite the entire case law standard required in order to establish a *prima facie* case of obviousness. However, the Applicant would like to briefly remind the Examiner of the required three criteria for a *prima facie* case of obviousness, namely 1) that the asserted references as modified or combined must teach or suggest each and every element of the claimed invention, 2) that the asserted references as modified or combined must provide a sufficient likelihood of successfully making the modification or combination, and 3) that the Examiner must identify a reason for the modification or combination asserted. The Applicant respectfully asserts the Examiner has not satisfied the requirement for establishing a case of *prima facie* obviousness in any of the rejections. As the Examiner has rejected the aforementioned claims over two primary references, a brief discussion of these references is provided, see Wang above and Kubota below.

Additionally, two secondary references relied on by the Examiner are also briefly discussed.

Miyabayashi

Miyabayashi teaches a microencapsulated pigment where pigment particles with an anionic group on the surface are coated with a polymer. Ink-jet inks including the microencapsulated pigment and water, and methods of printing with the ink-jet inks are taught. See Abstract. Miyabayashi also teaches that heating of printed matter may be necessary to accommodate polymers with high transition temperatures. See [0245]. Miyabayashi does not disclose the use of a thermal ink-jet printer.

Kubota

Kubota teaches an ink composition with colorant, resin emulsion particles, water-soluble organic solvent, water and a reaction solution. The reference further discusses a recording method using the ink composition. See Abstract. Specifically, the recording method comprises the steps of depositing a reaction solution on the recording medium, depositing an ink composition on the recording medium, and washing the recording medium. See [0025-0028]. Kubota does not teach the use of thermal ink-jet architecture.

Kato

Kato teaches compositions and methods for improving optical density and saturation by ink-jet recording. Kato teaches using a liquid composition with cationic micro-particles in combination with a separate anionic ink composition. An image can be formed by applying both the liquid composition and the anionic ink to a recording medium such that the two liquid compositions contact one another on the recording medium. See Abstract.

103 Rejection in view of Wang

The Examiner has rejected claims 12-17, 23, 25-31, 37, and 39 over Wang. Specifically, the Examiner has repeated the anticipation analysis in this section. The Applicant is unsure if the Examiner has mistakenly added Wang as a 103 rejection or whether the addition of this rejection is intentional. If the rejection was unintentional,

then the Applicant respectfully requests that the Examiner withdraw the present rejection. If the rejection was intentional, the Applicant would like to point out that the addition of this rejection serves as evidence that the present 102 rejection over Wang lacks merit. In other words, by issuing this 103 rejection, the Examiner seems to be admitting that the elements of the present claim set are merely obvious and could be combined to form the present invention rather than the elements being disclosed in complete detail as required for a proper 102 rejection, as previously discussed.

However, the Applicant submits that the Examiner has provided no reason why a person skilled in the art would pick and choose a certain pigment with a certain latex containing an acidic monomer from the present combination of references since the references are absolutely devoid of any teachings or disclosure regarding the specific combination as presently claimed. For example, there is no teaching or disclosure in the reference or in the art in general that would lead one skilled in the art to choose a latex with an acidic monomer of 1 wt% to 15 wt% with a polymer-encapsulated pigment.

As the Examiner has not provided a reason why a person skilled in the art would make such a combination, the Applicant further submits that reasons of achieving good rub resistance, good waterfastness, lightfastness, abrasion resistance, good adhesion to non-absorbing substrates, or any other quality disclosed in Wang, could not be a reason to combine a latex monomer with an acidic monomer of 1 wt% to 15 wt% with an encapsulated pigment since Wang already seems to accomplish this with non-acidic latexes and non-encapsulated pigments.

The Applicant submits that the Examiner has used improper hindsight to reconstruct the instantly claimed invention while using the Applicant's specification as a roadmap. The court has stated that the Applicant's specification cannot be the basis for motivation, i.e., no hindsight reconstruction. Yamanouchi Pharmaceutical Co., Ltd. v. Danbury Pharmacal, Inc., 231 F.3d 1339, 56 U.S.P.Q.2d 1641(Fed. Cir.), reh'g denied, 2000 U.S. App. LEXIS 34047 (2000). Accordingly, if a prior art reference is sought to provide a specific element of a claim with the use of hindsight, any rejection based thereon is improper and should be withdrawn. The Examiner has attempted to selectively pick and choose single elements of a reference in an attempt to combine them as presently outlined in the instant disclosure. However, the

Examiner has not provided any apparent reason why one skilled in the art would attempt to combine the elements in the manner presently indicated. Furthermore, the Applicant submits that there is no reason generally known in the art or provided in the cited references that would direct someone to provide the present combination.

Additionally, the Applicant submits that the present rejection does not teach each and every element as recited in claims 13-14, 27-28, and 41-44; i.e., density, surface dielectric constants, and non-volatile co-solvent. The Examiner has relied upon inherency in providing these elements. However, such reliance is misplaced based on the current case law regarding the use if inherency in establishing a proper 103 rejection.

The Applicant wishes to provide the current case law regarding the use of inherency in establishing a proper 103 rejection. In In re Rijckaert, the Court concluded that even though the Board had found that a certain condition was known to be optimal, the Court concluded that the condition was not necessarily inherent and overturned the 103 rejections based on such inherency. 9 F.3d 1531, 1533-34 (Fed. Cir. 1993). Specifically, the Court provided several inherency standards applicable to obviousness, including:

> "[t]he mere fact that a certain thing may result from a given set of circumstances is not sufficient [to establish inherency.]" In re Oelrich, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981) (citations omitted). "That which may be inherent is not necessarily known. Obviousness cannot be predicated on what is unknown." In re Spormann, 53 C.C.P.A. 1375, 363 F.2d 444, 448, 150 USPQ 449, 452 (CCPA 1966). Such a retrospective view of inherency is not a substitute for some teaching or suggestion supporting an obviousness rejection. See In re Newell, 891 F.2d 899, 901, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

As applied to the present case, the mere fact that the present particulates may result from the materials found in Wang is not enough to establish inherency. Additionally, even if the present combination may be inherent from Wang's description, the present combination of materials was not known. As found in In re Newell, the Examiner's retrospective view in the present case is not a substitute for some teaching or suggestion of the present combination that provide the specific characteristics recited in the dependent claims.

Therefore, the Applicant submits that the Examiner has not established a *prima facie* case of obviousness as the presently recited elements are not necessarily inherent or qualify as inherent under the current case law regarding obviousness. Furthermore, the Applicant submits that as a *prima facie* case of obviousness has not been established, the burden has not shifted to the Applicant, but remains with the Examiner until such a *prima facie* case is properly established.

The Examiner has responded to the above arguments, alleging that the Examiner is not relying on inherency. See Office Action, page 8. As such, absent any disclosure regarding the elements of density, surface dielectric constants, and non-volatile co-solvent, the Applicant submits that the Examiner has not provided a combination of references that teach each and every element of those claims. Even though the Examiner contends that inherency is not relied upon, the Applicant notes that the Examiner then further argues that these elements are "necessarily inherent" and "[t]he argued parameters are things which are not typically mentioned in the prior art nor measured." See Office Action, page 8. In other words, the Examiner is arguing that these parameters are inherently present. As such, the inherency case law previously cited by the Applicant is material to the present rejection. Furthermore, as discussed above, the Applicant contends that the Examiner has not met the inherency standard for establishing a proper 103 rejection. The Applicant also notes that the Examiner has given no patentable weight to claims 13-14 and 27-28, and renew the arguments to these claims as discussed in the 102 section of this response.

In light of the above arguments, the Applicant submits that a proper 103 rejection has not been provided and respectfully requests that the Examiner withdraw the present rejection.

Wang in view of Miyabayashi

The Examiner has rejected claims 12-16, 18 23, 25-30, 32, 37, and 39-44 over Wang in view of Miyabashi. Specifically, the Examiner has used Miyabashi to provide the amount of crosslinking monomer recited in claims 18 and 32, which is not disclosed in Wang. However, as previously discussed above, Wang does not provide an ink composition having 1 wt% to 15 wt% of an acidic monomer containing latex in specific combination with a polymer-encapsulated pigment. Furthermore, the

Applicant submits that Miyabashi does not correct the deficiencies of Wang. The Applicant renews the above arguments.

As such, the Applicant respectfully requests that the Examiner withdraw the present rejection.

Kubota in view of various references

The Examiner has used Kubota in view of various combinations of Kato, Moffatt, Miyamoto, and Wang. Regarding Kato, the Examiner cites to a brief section of the disclosure noting that ink according to the invention can be used with thermal ink-jet architecture. Immediately thereafter, the disclosure notes that when used with an ink-jet recording method, the thermal properties (e.g. specific heat, thermal expansion coefficient, thermal conductivity) may have to be regulated.

The Examiner has focused on the motivation of Kato to ink ejected on stable basis with no satellite dots produced as the basis for the combination. However, as noted in the present Application, configuring a system including thermal ink-jet architecture often requires additional consideration and experimentation of at least selection of ink components. To quote the disclosure,

> "As a further note, thermal ink-jet systems are quite different in their jetting properties than piezo ink-jet systems. As such, polymer colloid particulates that are effective for use in piezo ink-jet systems are not necessarily effective for use with thermal ink-jet ink systems. However, the converse is not necessarily true. In other words, polymer colloid particulates that work well with thermal ink-jet systems are more likely to work with piezo systems than *vice versa*. Therefore, the selection or manufacture of polymer colloid particulates for use with thermal ink-jet systems often requires more care, as thermal ink-jet systems are less forgiving than piezo ink-jet systems." p. 14, ln. 30 – p. 15 ln. 6.

Such warning regarding the difficulty in working with thermal ink-jet architecture is echoed by Kato's brief statement above. Kato, however, does not deal with the combination of the ink components in a single fluid as does the present invention. One of ordinary skill in the art would have no reason to combine the inks of Kubota with the thermal ink-jet architecture briefly noted in Kato. Additionally, the Applicant submits that Moffatt does not provide any teachings contrary to Kato or the discussion of thermal printing in the present specification.

The Examiner has responded to the above arguments alleging that it would have been obvious to use a thermal ink-jet system since the ink is identical to the Applicant's claimed ink, however, such reasoning is based on circular logic, i.e., hindsight. One skilled in the art would not necessarily conclude that the ink in Kubota would be thermally ink-jettable based on the fact that the Applicant has successfully provided a thermally ink-jet ink, since without the present disclosure, one skilled in the art would have no idea that the Applicant had provided the ink.

The Examiner has further argued that Kubota does not require that the ink is used in a piezo ink jet system, and thus, one skilled in the art would assume the ink is suitable for thermal ink-jet printing. However, such an argument is flawed. The lack of disclosure regarding thermal printing would not lead one skilled in the art to believe that thermal ink-jet would be implied, but quite the opposite. In other words, one skilled in the art would know how difficult thermal ink-jet printing is and would most likely conclude that such a broad range of compositions as disclosed in Kubota would more likely be piezo ink-jettable. In other words, it is generally understood that thermal ink-jet inks can be jetted by piezo means, but the reverse is not always true.

Additionally, such a combination would not provide a reasonable expectation of success to skilled in the art, as the selection or manufacture of components for use with thermal ink-jet systems often requires a much greater level of care than with other ink-jet systems.

The Examiner has responded to the above arguments, alleging that Kato actually supports the combination. Specifically, the Examiner argues that Kato's warning supports that one skilled in the art has the ability to make a thermal printable ink. See Office Action, page 14. The Applicant cannot agree with such an interpretation. Kato provides no evidence that one skilled in the art would have the ability to make any ink thermally jettable; rather the Applicant maintains the position that Kato serves to warn one skilled in the art that not every ink-jet ink is thermally compatible as outlined in the present specification. Furthermore, the Applicant notes the difficulty of thermal printing vs. piezo printing is well-known in the art. As such, the Applicant contends that using the ink from Kubota in a thermal printer from Kato is not obvious to one skilled in the art.

Additionally, as previously argued, Kubota fails to disclose printing of an ink-jet ink including polymer-encapsulated pigment colorant and acid-functionalized polymer colloid particulates dispersed in a liquid vehicle having a volatile co-solvent, where the image is heated after printing. For example, the ink composition referred to by the Examiner (Ink 4, Table F2) was not subjected to heating. Conversely, the only compositions where heating was utilized (Ink composition A, Color Ink Set A) did not comprise polymer-encapsulated pigments—rather, the pigments and dispersants were combined by mere mixing. See [0241]. These examples in Kubota provide no teaching, therefore, of the combination of elements claimed in the present independent claims 12 and 26. Kato does not remedy this deficiency and therefore the combination does not teach each and every element.

Even though the Examiner has alleged that one must look at what the reference teaches as a whole, including non-preferred portions, the Applicant maintains that the reference as a whole including non-preferred portions do not teach the combination of elements as presently claimed. The Examiner is picking and choosing discrete elements and combining them in a manner not disclosed in the reference. The Applicant submits that Kubota discloses thousands of possible combinations and that the Examiner has provided no reason for one skilled in the art to pick the Applicant's present combination absent the Applicant's present disclosure.

The Applicant renews the above arguments with respect to dependent claims 13-14, 27-28, and 41-44. Specifically, the Examiner has not showed the elements of these dependent claims in any reference. Additionally, as previously discussed, the cited characteristics are not inherent to the particulates but serve to limit that particulates covered by the independent claims. As such, the Applicant submits the present dependent claims effectively limit the scope of the independent claims and provide addition elements not taught by any of the cited references and are not inherent from any of the cited references (see inherency discussion above). Therefore, the Applicant respectfully requests that the Examiner reconsider these claims.

The Applicant asserts that the cited combination fails to provide reasonable expectation of successfully combining the references and fails to teach each and every element of the present invention. Additionally, the Examiner has not provided a

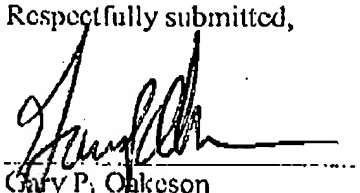
reason for one skilled in the art to make present combination. As such, Applicant respectfully requests that these rejections be withdrawn.

In view of the foregoing, Applicants believe that all the presently pending claims present allowable subject matter and allowance is respectfully requested. If any impediment to the allowance of these claims remains after consideration of the above remarks, and such impediment could be removed during a telephone interview, the Examiner is invited to telephone the undersigned attorney at (801) 566-6633 so that such issues may be resolved as expeditiously as possible.

Please charge any additional fees except for Issue Fee or credit any overpayment to Deposit Account No. 08-2025.

Dated this 17th day of June, 2008.

Respectfully submitted,



Gary P. Oakeson
Attorney for Applicant
Registration No. 44,266

THORPE NORTH & WESTERN, LLP
8180 South 700 East, Suite 350
Sandy, Utah 84070
(801) 566-6633

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80528-9599